

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

APPLICATION FOR LEAVE TO FILE A SECOND OR
SUCCESSIVE MOTION TO VACATE, SET ASIDE
OR CORRECT SENTENCE
28 U.S.C. § 2255
BY A PRISONER IN FEDERAL CUSTODY

Jason Jennings Melton
Name

43171-074
Prisoner Number

UNITED STATES PENITENTIARY CANAAN
Place of Confinement

#10-CR-126
Case No.

APPLICATION

1. (a) State and division of the United States District Court which entered the judgment of conviction under attack:
The United States District Court For The E.D. of Tenn
(Knoxville).
- (b) Case Number: 10-cr-126
2. Date of judgment of conviction: August 10, 2012
3. Length of sentence: 180 Months Sentencing Judge:
4. Nature of offense or offenses for which you were convicted:
18 USC 922(g)(1)
5. Related to this conviction and sentence, have you ever filed a motion to vacate in any federal court?
Yes () No (X) If "yes", how many times? (if more than one, complete 6 and 7 below as necessary)
(a) Name of court: n/a
(b) Case number:
(c) Nature of proceeding:
(d) Grounds raised (list all grounds; use extra pages if necessary):
n/a
(e) Did you receive an evidentiary hearing on your motion? Yes () No () n/a
(f) Result: n/a
(g) Date of result: n/a
As to any second federal motion, give the same information:
(a) Name of court: n/a
(b) Case number:

(c) Nature of proceeding: n/a

(d) Grounds raised (list all grounds; use extra pages if necessary):
n/a

(e) Did you receive an evidentiary hearing on your motion? Yes () No ()
n/a

(f) Result:

(g) Date of result: n/a

As to any third federal motion, give the same information:

(a) Name of court: n/a

(b) Case number:

(c) Nature of proceeding:

(d) Grounds raised (list all grounds; use extra pages if necessary):
n/a

(e) Did you receive an evidentiary hearing on your motion? Yes () No ()
n/a

(f) Result: n/a

g) Date of result:

8. Did you appeal the result of any action taken on your federal motion? (Use extra pages to reflect additional petitions if necessary)

| | | |
|-------------------|----------------|-----------------------|
| (1) First motion | No () Yes () | Appeal No. <u>n/a</u> |
| (2) Second motion | No () Yes () | Appeal No. <u>n/a</u> |
| (3) Third motion | No () Yes () | Appeal No. <u>n/a</u> |

9. If you did not appeal from the adverse action on any motion, explain briefly why you did not:

n/a

10. State concisely every ground on which you now claim that you are being held unlawfully. Summarize briefly the facts supporting each ground.

(a) Ground one: Tennessee Aggravated Burglary under TennCodeAnn 39-14-403 is no longer a crime of violence citing US v Stitt.

Supporting FACTS (tell your story briefly without citing cases or law):
See Enclosed Memorandum Of Law In Support

Was this claim raised in a prior motion? Yes () No(x)

Does this claim rely on a "new rule of law?" Yes(x) No ()

If "yes," state the new rule of law (give case name and citation):

Rosales Mireles v United States 138 S Ct 1897 (June 18, 2018)
Hughes v United States v Hughes 138 S Ct 1765

Does this claim rely on "newly discovered evidence?" Yes () No(x)

If "yes," briefly state the newly discovered evidence, and why it was not previously available to you:

- (b) Ground two: Under Hughes v US 138 S Ct 1765 (2018) I am entitled to a sentence reduction under 18 USC 3582(e)(2)

Supporting FACTS (tell your story briefly without citing cases or law):
See attached argument.

Was this claim raised in a prior motion? Yes () No (x)

Does this claim rely on a "new rule of law?" Yes (x) No ()

If "yes," state the new rule of law (give case name and citation):

Hughes v United States 138 S Ct 1765 (2018)

Does this claim rely on "newly discovered evidence?" Yes () No (x)

If "yes," briefly state the newly discovered evidence, and why it was not previously available to you:

[Additional grounds may be asserted on additional pages if necessary]

11. Do you have any motion or appeal now pending in any court as to the judgment now under attack? Yes () No (x)

If yes, name of court: Case Number:

Wherefore, applicant prays that the United States Court of Appeals for the 6TH Circuit grant an Order Authorizing the District Court to Consider Applicant's Second or Successive Motion to Vacate under 28 U.S.C. § 2255.


Applicant's Signature

I declare under Penalty of Perjury that my answers to all the questions in this Application are true and correct.

Executed on

8-9-18

[date]

Proof of Service

Applicant must send a copy of this application and all attachments to the United States Attorney's office in the district in which you were convicted.

I certify that on 8/18/18, I mailed a copy of this Application and all
[date]

attachments to COURT CLERK USDC

at the following address:

800 MARKET ST. KNOXVILLE TENN.


Applicant's Signature

Pursuant to Fed.R.App.P. 25(c), "If an inmate confined in an institution files a notice of appeal . . . the notice of appeal is timely filed if it is deposited in the institution's internal mail system on or before the last day of filing. Timely filing may be shown by a notarized statement or declaration (in compliance with 28 U.S.C. § 1746) setting forth the date of deposit and stating that first-class postage has been prepaid."